

## SUBCHAPTER F—USER FEES

### PART 130—USER FEES

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3701, 3716, 3717, 3719, and 3720A; 7CFR 2.22, 2.80, and 371.2(d).

SOURCE: 57 FR 771, Jan. 9, 1992, unless otherwise noted.

#### § 130.1 Definitions.

As used in this part, the following terms shall have the meaning set forth in this section.

*Administrator.* The Administrator of the Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator.

*Animal.* All animals except birds, but including poultry.

*Animal and Plant Health Inspection Service (APHIS).* The Animal and Plant Health Inspection Service of the United States Department of Agriculture.

*Animal Import Center.* Quarantine facilities operated by APHIS in Newburgh, New York; Miami, Florida; and Honolulu, Hawaii.<sup>1</sup>

*APHIS representative.* An individual, including, but not limited to, an animal health technician or veterinarian, authorized by the Administrator to perform the services for which the user fees in this part are charged.

*Approved establishment.* An establishment approved by the Animal and Plant Health Inspection Service for the receipt and handling of restricted import animal products or byproducts under 9 CFR chapter I, subchapter D.

*Biosecurity level three laboratory.* A laboratory or production facility that works with foreign or domestic animal disease agents, organisms, or vectors that spread by aerosol route and that have serious or lethal effects, therefore requiring special biocontainment measures.

*Bird.* Any member of the class aves, other than poultry.

*Breeding animal.* Any animal imported into the United States for breeding purposes.

<sup>1</sup>The addresses of Animal Import Centers may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road, Unit 38, Riverdale, Maryland 20737–1231.

*Diagnostic reagent.* Substances used in diagnostic tests to detect disease agents or antibodies by causing an identifiable reaction.

*Domestic animal.* Any animal imported into the United States for any purpose other than exhibition in a zoo, park or other place maintained for the exhibition of live animals for recreational or educational purposes.

*Equine.* Any horse, ass, mule, or zebra.

*Export health certificate.* An official document that, as required by the importing country, is endorsed by an APHIS representative and states that animals, animal products, organisms, vectors, or birds to be exported from the United States were found to be healthy and free from evidence of communicable diseases and pests.

*Feeder animal.* Any animal imported into the United States under 9 CFR part 93 for feeding.

*Game cock.* Any chicken bred, trained, or imported for cock fighting.

*Germ plasm.* Semen, embryos, or ova.

*Grade animal.* Any unregistered animal.

*In-bond animal.* Any animal imported into the United States under a United States Customs Service bond, as described in 19 CFR part 113.

*Load.* Those animals, birds, or animal germ plasm, presented for importation into the United States in a single shipment, that originate from one address, are destined for one address, and require one entry permit or authorization.

*Miniature horse.* Any horse which at maturity measures 34 inches high or less from the ground to the base of the last hair of the mane at the withers.

*National Veterinary Services Laboratories (NVSL).* The National Veterinary Services Laboratories of the Animal and Plant Health Inspection Service, located in Ames, Iowa.

*National Veterinary Services Laboratories, Foreign Animal Disease Diagnostic Laboratory (FADDL).* The National Veterinary Services Laboratories, Foreign Animal Disease Diagnostic Laboratory, located in Greenport, New York.

*Nonstandard care and handling.* Nonstandard care and handling includes hand-feeding, more than one feeding per day, frequent observation, and any

handling or observation that requires personnel to attend to the birds or poultry outside of normal business hours.<sup>2</sup>

*Nonstandard housing.* Nonstandard housing is individual housing not normally available at an APHIS animal import center, any housing constructed or purchased at the request of the importer, any housing with blinds, dense foliage, or plants, and any housing where the temperature can be adjusted.

*Person.* An individual, corporation, partnership, trust, association, or any other public or private entity, or any officer, employee, or agent thereof.

*Pet birds.* Birds, except hatching eggs and ratites, that are imported or exported for the personal pleasure of their individual owners and are not intended for resale.

*Poultry.* Chickens, doves, ducks, geese, grouse, guinea fowl, partridges, pea fowl, pheasants, pigeons, quail, swans, and turkeys.

*Privately operated permanent import-quarantine facility.* Any permanent facility approved under 9 CFR part 93 to quarantine animals or birds, except facilities operated by APHIS.

*Registered animal.* Any animal recorded in the book of record of an animal registry association which issues certificates concerning the pedigree of animals.

*Slaughter animal.* Any animal moving directly to slaughter.

*Standard feed.* Seed, or dry feeds such as dog food or monkey biscuits, whether soaked in water or not.

*State animal health official.* The State official responsible for livestock and poultry disease control and eradication programs.

*Test.* A single analysis performed on a single specimen from an animal, animal product, commercial product, or animal feed.

*United States.* The several States of the United States, the District of Columbia, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the Virgin Islands of the United States,

<sup>2</sup>Normal business hours at the APHIS Animal Import Centers are: 7:30 a.m. to 11:30 a.m., Honolulu, HI; 7 a.m. to 3:30 p.m., Miami, FL; and 8 a.m. to 4:30 p.m., Newburgh, NY.

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and all other territories and possessions of the United States.

**Zoo animal.** Any animal, including poultry, intended for exhibition in a zoo, park or other place maintained for the exhibition of live animals for recreational or educational purposes.<sup>3</sup>

**Zoo bird.** Any bird intended for exhibition in a zoo, park or other place maintained for the exhibition of live animals or birds for recreational or educational purposes.

**Zoo equine.** Any equine intended for exhibition in a zoo, park or other place maintained for the exhibition of live animals for recreational or educational purposes.

[57 FR 771, Jan. 9, 1992, as amended at 58 FR 38957, July 21, 1993; 58 FR 67654, Dec. 22, 1993; 59 FR 67617, Dec. 30, 1994; 61 FR 20432, May 7, 1996; 62 FR 56026, Oct. 28, 1997; 63 FR 53788, Oct. 7, 1998; 63 FR 64175, Nov. 19, 1998; 64 FR 67698, Dec. 3, 1999]

EFFECTIVE DATE NOTE: At 64 FR 67698, Dec. 3, 1999, §130.1 was amended by adding the definition for "biosecurity level three laboratory", effective Jan. 3, 2000.

### § 130.2 User fees for individual animals and certain birds quarantined in APHIS-owned or -operated animal quarantine facilities, including APHIS Animal Import Centers.

(a) *Standard requirements.* User fees for each animal or bird receiving standard housing, care, feed, and handling while quarantined in an APHIS owned or operated animal import center or quarantine facility are listed in the following table. Each user fee listed in the table is assessed per animal or bird quarantined by APHIS. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

Animal or bird	Daily user fee
Birds (excluding ratites and pet birds imported in accordance with part 93 of this subchapter):	
0–250 grams .....	\$1.00
251–1,000 grams .....	3.25
Over 1,000 grams .....	7.50
Domestic or zoo animals (except equines, birds, and poultry):	
Bison, bulls, camels, cattle, or zoo animals .....	56.50
All other—including but not limited to alpacas, llamas, goats, sheep, and swine .....	15.00
Equines (including zoo equines, but excluding miniature horses):	
1st through 3rd day .....	149.50
4th through 7th day .....	108.25
8th and subsequent days .....	91.75
Miniature horses .....	40.25
Poultry:	
Doves, pigeons, quail .....	2.00
Chickens, ducks, grouse, guinea fowl, partridges, pea fowl, pheasants .....	3.50
Large poultry and large waterfowl including but not limited to game cocks, geese, swans, and turkeys .....	8.25
Ratites:	
Chicks (less than 3 months old) .....	5.75
Juveniles (between 3 and 10 months old) .....	8.00
Adults (11 months old and older) .....	16.25

(b) *Special requirements.* User fees for birds or poultry, including zoo birds or poultry, receiving nonstandard housing, care, or handling to meet special requirements while quarantined in an APHIS owned or operated Animal Import Center or quarantine facility are listed in the following table. The user fees listed in the table are assessed for each bird or poultry quarantined by APHIS. Special requirements may be

requested by the importer or required by an APHIS representative. Certain conditions or traits, such as pregnancy or aggression, may necessitate special requirements for certain birds or poultry. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

<sup>3</sup>Regulations concerning approval of zoos and requirements for importing wild animals are found in part 93 of this chapter.

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Bird or poultry (nonstandard housing, care, or handling)	Daily user fee
Birds 0–250 grams and doves, pigeons, and quail .....	\$3.25
Birds 251–1,000 grams and poultry such as chickens, ducks, grouse, guinea fowl, partridges, pea fowl, and pheasants .....	7.50
Birds over 1,000 grams and large poultry and large waterfowl including but not limited to game cocks, geese, swans, and turkeys .....	14.00

(c) *Feed.* The importer must either provide feed or pay for it on an actual cost basis, including the cost of delivery to the APHIS owned or operated Animal Import Center or quarantine facility, for any animal or bird that requires a diet other than standard feed, including but not limited to diets of fruit, insects, nectar, or fish.

(Approved by the Office of Management and Budget under control number 0579–0094)

[63 FR 53788, Oct. 7, 1998]

**§ 130.3 User fees for exclusive use of space at APHIS Animal Import Centers.**

(a)(1) An importer may request to exclusively occupy a space at an APHIS animal import center. The user fees for spaces at APHIS animal import centers are listed in the following table. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

APHIS animal import center	Space	Monthly (30 day) user fee
Miami, FL:		
South Wing .....	6,952 sq. ft. (645.9 sq. m.) .....	\$30,285.00
North Wing .....	6,545 sq. ft. (608.1 sq. m.) .....	\$29,377.00
Newburgh, NY:		
Space A .....	5,396 sq. ft. (503.1 sq. m.) .....	43,102.00
Space B .....	8,903 sq. ft. (827.1 sq. m.) .....	71,118.50
Space C .....	905 sq. ft. (84.1 sq. m.) .....	7,229.00

(2) Any importer who occupies space for more than 30 days must pay 1/30th of the 30-day fee for each additional day or part of a day. The person for whom the service is provided and the person requesting the service are jointly and severally liable for any additional charges.

(3) Unless the importer cancels the reservation for exclusive use of space in time to receive a refund of the reservation fee in accordance with 9 CFR 93.103, 93.204, 93.304, 93.404, or 93.504, as appropriate, the 30-day user fee will be effective as of the first day for which the importer has reserved the space, regardless of whether the user occupies the space on that date or not.

(b) Users must provide APHIS personnel at the Animal Import Center, at the time they make a reservation for quarantine space, with the following information:

(1) Species of animals and birds to be quarantined;

(2) Ages of animals and birds to be quarantined; and

(3) Sizes of animals and birds to be quarantined.

(c)(1) APHIS personnel at the Animal Import Center will determine, based on the information provided by the importer under paragraph (b) of this section, and on routine husbandry needs, the maximum number of animals and birds permitted in the requested building.

(2) If the number of animals and birds requested by the importer can be housed in the space requested, as determined by APHIS personnel at the Animal Import Center, but two animal health technicians cannot fulfill the routine husbandry needs of the number of animals or birds proposed by the importer, then the importer must pay for additional services on an hourly basis, or reduce the number of animals or birds to be quarantined to a number which APHIS personnel at the Animal

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Import Center determine can be handled by two animal health technicians.

(3) If the importer chooses to pay for additional services on an hourly basis, the user fees for each employee required to perform the service are:

- (i) \$56.00 per hour;
- (ii) \$14.00 per quarter-hour;
- (iii) With a minimum of \$16.50.

(d) The importer must provide feed, or pay for it on an actual cost basis, including cost of delivery to the Animal Import Center.

(Approved by the Office of Management and Budget under control numbers 0579-0040 and 0579-0094)

[57 FR 771, Jan. 9, 1992, as amended at 58 FR 67654, Dec. 22, 1993; 61 FR 20432, May 7, 1996; 62 FR 56026, Oct. 28, 1997; 63 FR 53789, Oct. 7, 1998]

### § 130.4 [Reserved]

### § 130.5 User fees for services at privately operated permanent and temporary import quarantine facilities.

(a) User fees for each animal quarantined in a privately operated permanent or temporary import quarantine facility will be calculated at \$56.00 per

hour, or \$14.00 per quarter-hour, with a minimum fee of \$16.50, for each employee required to perform the service. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

(b) [Reserved]

(Approved by the Office of Management and Budget under control number 0579-0094)

[63 FR 53789, Oct. 7, 1998]

### § 130.6 User fees for import or entry services for live animals at land border ports along the United States-Mexico border.

(a) User fees, with a minimum fee of \$16.50, for live animals presented for importation into or entry into the United States through a land border port along the United States-Mexico border are listed in the following table. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with the provisions in §§ 130.50 and 130.51.

Type of live animal	User fee (per head)
Feeder .....	\$1.75
Slaughter .....	2.50
Horses, other than slaughter .....	29.25
In-bond or in transit .....	3.75
Any ruminants (including breeder ruminants) not covered above .....	6.00

(b) [Reserved]

(Approved by the Office of Management and Budget under control numbers 0579-0055 and 0579-0094)

[63 FR 53789, Oct. 7, 1998, as amended at 64 FR 67700, Dec. 3, 1999]

### § 130.7 User fees for import or entry services for live animals at land border ports along the United States-Canada border.

(a) User fees, with a minimum fee of \$16.50, for live animals presented for

importation into or entry into the United States through a land border port along the United States-Canada border, are listed in the following table. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

Type of live animal	User fee
Animals being imported into the United States:	
Horses, other than slaughter and in transit .....	\$19.00 per head.
Breeding animals (grade animals, except horses):	
Swine .....	0.50 per head.

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Type of live animal	User fee
Sheep and goats .....	0.50 per head.
All others .....	2.25 per head.
Registered animals, all types .....	4.00 per head.
Feeder animals:	
Cattle (not including calves) .....	1.00 per head.
Swine .....	0.25 per head.
Sheep and calves .....	0.25 per head.
Slaughter animals, all types .....	16.50 per load.
Poultry (including eggs), imported for any purpose .....	33.00 per load.
Animals transiting <sup>1</sup> the United States.	
Cattle .....	1.00 per head
Swine .....	0.25 per head
Sheep and goats .....	0.25 per head
Horses and all other animals .....	4.50 per head

<sup>1</sup> The user fee in this section will be charged for intransit authorizations at the port where the authorization services are performed. For additional services provided by APHIS, at any port, the applicable hourly user fee will apply.

(b) [Reserved]

(Approved by the Office of Management and Budget under control numbers 0579–0055 and 0579–0094)

[63 FR 53790, Oct. 7, 1998, as amended at 64 FR 51422, Sept. 23, 1999; 64 FR 61689, Nov. 12, 1999]

§ 130.8 User fees for other services.

(a) User fees for other services that are not specifically addressed else-

where in part 130 are listed in the following table. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with the provisions in §§ 130.50 and 130.51.

Service	User fee
Germ plasm being exported: <sup>1</sup>	
Embryo:	
(up to 5 donor pairs) .....	\$54.75 per certificate.
(each additional group of donor pairs, up to 5 pairs per group, on the same certificate).	24.75 per group of donor pairs.
Semen .....	33.50 per certificate.
Germ plasm being imported: <sup>2</sup>	
Embryo .....	39.50 per load.
Semen .....	39.50 per load.
Import compliance assistance:	
Simple (2 hours or less) .....	51.25 per release.
Complicated (more than 2 hours) .....	131.75 per release.
Inspection for approval of biosecurity level three laboratories .....	\$977.00 for all costs of inspection related to approving the laboratory for handling one defined set of organisms or vectors.
Inspection for approval of slaughter establishment:	
Initial approval .....	246.50 for all inspections required during the year.
Renewal .....	213.50 for all inspections required during the year
Inspection of approved establishments, warehouses, and facilities under 9 CFR parts 94 through 96:	
Approval (Compliance Agreement) .....	262.75 for first year of 3-year approval (for all inspections required during the year).
Renewed approval .....	152.00 per year for second and third years of 3-year approval (for all inspections required during the year).
Processing VS form 16–3, “Application for Permit to Import Controlled Material/Import or Transport Organisms or Vectors”:	
For permit to import fetal bovine serum when facility inspection is required .....	208.50 per application.
For all other permits .....	27.50 per application.
Amended application .....	11.50 per amended application.
Application renewal .....	15.00 per application.
Release from export agricultural hold:	

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Service	User fee
Simple (2 hours or less) .....	51.25 per release.
Complicated (more than 2 hours) .....	131.75 per release.
Embryo collection center inspection and approval .....	\$278.50 for all inspections required during the year for facility approval.

<sup>1</sup> This user fee includes a single inspection and resealing of the container at the APHIS employee's regular tour of duty station or at a limited port. For each subsequent inspection and resealing required, the applicable hourly user fee would apply.

<sup>2</sup> For inspection of empty containers being imported into the United States, the applicable hourly user fee would apply, unless a user fee has been assessed under 7 CFR 354.3.

## (b) [Reserved]

(Approved by the Office of Management and Budget under control numbers 0579-0015, 0579-0040, 0579-0055, and 0579-0094)

[63 FR 53790, Oct. 7, 1998, as amended at 63 FR 71729, Dec. 30, 1998; 64 FR 67698, Dec. 3, 1999; 64 FR 67700, Dec. 3, 1999]

EFFECTIVE DATE NOTE: At 64 FR 67698, Dec. 3, 1999, § 130.8, the table in paragraph (a) was amended by adding the entry for "Inspection for approval of biosecurity level three laboratories", effective Jan. 3, 2000.

## § 130.9 Hourly user fees for import or entry services.

(a) User fees for import or entry services listed in paragraphs (a)(1) through (a)(5) of this section, except those services covered by flat rate user fees elsewhere in this part, will be calculated at \$56.00 per hour, or \$14.00 per quarter hour, with a minimum fee of \$16.50, for each employee required to perform the service. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

(1) Services provided to live animals for import or entry at airports, ocean ports, and rail ports;

(2) Conducting inspections, including laboratory and facility inspections, required to obtain permits either to import animal products, organisms and vectors, or to maintain compliance with import permits;

(3) Obtaining samples required to be tested either to obtain import permits or to ensure compliance with import permits;

(4) Supervising the opening of in-bond shipments; and

(5) Other import or entry services not specified elsewhere in this part.

## (b) [Reserved]

(Approved by the Office of Management and Budget under control numbers 0579-0055 and 0579-0094)

[64 FR 51422, Sept. 23, 1999, as amended at 64 FR 67698, Dec. 3, 1999]

EFFECTIVE DATE NOTE: At 64 FR 67698, Dec. 3, 1999, § 130.9 was amended by revising the introductory text of paragraph (a), effective Jan. 3, 2000. For the convenience of the user, the superseded text is set forth as follows:

## § 130.9 Hourly user fees for import or entry services.

(a) User fees for import and entry services listed in paragraphs (a)(1) through (a)(5) of this section will be calculated at \$56.00 per hour, or \$14.00 per quarter hour, with a minimum fee for \$16.50, for each employee required to perform the service. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

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## § 130.10 User fees for pet birds.

(a) User fees for pet birds of U.S. origin returning to the United States, except pet birds of U.S. origin returning from Canada, are as follows:

(1) \$71.25 per lot if the birds have been out of the United States for 60 days or less;

(2) \$169.75 per lot if the birds have been out of the United States for more than 60 days.

(b) User fees for each pet bird quarantined in an animal import center or other APHIS-owned or supervised quarantine facility are listed in the following table. These user fees include standard care, feed, and handling. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

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Number of birds in isolette	Daily user fee
1 .....	\$6.50
2 .....	7.75
3 .....	9.25
4 .....	10.75
5 .....	12.00

(c) Based on the information provided to APHIS personnel, APHIS personnel at the Animal Import Center or other APHIS owned or supervised quarantine facility will determine the appropriate number of birds that should be housed per isolette.

(d) If the person or persons for whom the service is provided or the person or persons requesting the service request additional services on an hourly basis, the user fees for each employee required to perform the service are:

(1) \$56.00 per hour;

(2) \$14.00 per quarter-hour;  
(3) With a minimum of \$16.50.

(Approved by the Office of Management and Budget under control number 0579–0094)

[61 FR 20434, May 7, 1996; 61 FR 25513, May 21, 1996, as amended at 62 FR 56026, Oct. 28, 1997; 63 FR 53791, Oct. 7, 1998; 64 FR 67700, Dec. 3, 1999]

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§ 130.14 User fees for FADDL veterinary diagnostics.

(a) Diagnostic reagents. User fees for diagnostic reagents<sup>4</sup> provided by FADDL are listed in the following table. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

Reagent	User fee	Unit
Bovine antiserum, any agent .....	\$80.00	1 ml.
Caprine antiserum, any agent .....	97.50	1 ml.
Cell culture antigen/microorganism .....	63.75	1 ml.
Equine antiserum, any agent .....	100.50	1 ml.
Fluorescent antibody conjugate .....	120.25	1 ml.
Guinea pig antiserum, any agent .....	104.50	1 ml.
Monoclonal antibody .....	122.75	1 ml.
Ovine antiserum, any agent .....	94.25	1 ml.
Porcine antiserum, any agent .....	81.25	1 ml.
Rabbit antiserum, any agent .....	98.50	1 ml.

(b) *Veterinary diagnostics tests.* User fees for veterinary diagnostic tests performed at FADDL are listed in the following table. The person for whom the service is provided and the person re-

questing the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

Test	User fee	Unit
Agar gel immunodiffusion .....	\$14.75	Test.
Card .....	8.25	Test.
Complement fixation .....	33.00	Test.
Direct immunofluorescent antibody .....	11.00	Test.
Enzyme linked immunosorbent assay .....	12.75	Test.
Fluorescent antibody neutralization (hog cholera) .....	96.00	Test.
Hemagglutination inhibition .....	27.75	Test.
Immunoperoxidase .....	18.25	Test.
Indirect fluorescent antibody .....	23.25	Test.
In-vitro safety .....	299.50	Test.
In-vivo safety .....	4345.75	Test.
Latex agglutination .....	11.00	Test.
Tube agglutination .....	14.00	Test.
Virus isolation (oesophageal/pharyngeal) .....	88.25	Test.

<sup>4</sup>Reagents provided by FADDL are for the diagnosis of animal diseases foreign to the United States. These reagents may be available to customers on the mainland after safety testing with permission from the Administrator. The customer may have to pay

the cost for the safety test in addition to the reagent user fee. For more information on the specific reagents contact: Laboratory Chief, USDA, APHIS, VS, FADDL, Greenport, NY 11344; phone (516) 323–2500, FAX (516) 323–2798.



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Test	User fee	Unit
Virus isolation in embryonated eggs .....	176.00	Test.
Virus isolation, other .....	84.50	Test.
Virus neutralization .....	25.75	Test.

(c) *Other veterinary diagnostic services.* User fees for other veterinary diagnostic services performed at FADDL are listed in the following table. The person for whom the service is provided

and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

Veterinary diagnostic service	User fee	Unit
Bacterial isolation .....	\$55.00	Test.
Hourly user fee services <sup>1</sup> .....	220.00	Hour.
Hourly user fee services—Quarter hour .....	55.00	Quarter hour.
Infected cells on chamber slides or plates .....	31.00	Slide.
Reference animal tissues for immunohistochemistry .....	94.25	Set.
Sterilization by gamma radiation .....	530.00	Can.
Training (school or technical assistance) .....	450.00	Per person per day.
Virus titration .....	55.00	Test.

<sup>1</sup> For all veterinary diagnostic services for which there is no flat rate user fee, the hourly rate user fee will be calculated for the actual time required to provide the service.

(Approved by the Office of Management and Budget under control numbers 0579-0055 and 0579-0094)

[63 FR 53791, Oct. 7, 1998, as amended at 64 FR 67700, Dec. 3, 1999]

## § 130.15 User fees for veterinary diagnostic isolation and identification tests performed at NVSL (excluding FADDL) or other authorized site.

(a) *Bacteriology isolation and identification tests.* User fees for bacteriology

isolation and identification tests performed at NVSL (excluding FADDL) or other authorized sites are listed in the following table. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

Test	User fee	Unit
Bacterial identification, automated .....	\$16.00	Isolate.
Bacterial identification, non-automated .....	61.25	Isolate.
Bacterial isolation .....	16.00	Sample.
Bacterial serotyping, all other .....	30.75	Isolate.
Bacterial serotyping, Pasteurella multocida .....	7.50	Isolate.
Bacterial serotyping, Salmonella .....	21.25	Isolate.
Bacterial toxin typing .....	91.50	Isolate.
Bacteriology requiring special characterization .....	27.00	Test.
DNA fingerprinting .....	36.50	Test.
DNA probe .....	29.50	Test.
Fluorescent antibody <sup>1</sup> .....	9.75	Test.
Leptospira culturing .....	27.00	Sample.
Leptospira serotyping .....	80.50	Isolate.
Mycobacterium avian serotyping .....	157.50	Isolate.
Mycobacterium identification (biochemical) .....	63.25	Isolate.
Mycobacterium identification (gas chromatography) .....	26.50	Procedure.
Mycobacterium isolation, animal inoculations .....	520.50	Submission.
Mycobacterium isolation, all other .....	105.50	Submission.
Mycobacterium paratuberculosis isolation .....	26.50	Submission.
Mycology culture identification .....	52.75	Isolate.
Mycology/fungus culture or isolation .....	26.50	Isolate.
Mycoplasma isolation .....	26.25	Sample.
Mycoplasma identification .....	26.25	Isolate.
Phage typing, all other .....	26.50	Isolate.
Phage typing, Salmonella enteritidis .....	10.75	Isolate.
Plasmid typing .....	26.50	Isolate.

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Test	User fee	Unit
Warburg .....	316.50	Isolate.

<sup>1</sup> A discount will apply to all diagnostic, non-import related complement fixation, hemagglutination inhibition, fluorescent antibody, indirect fluorescent antibody, virus neutralization, and peroxidase linked antibody tests. This discount only applies to the 11th and subsequent tests on the same submission by the same submitter for the same test and antigen. The user fee for each discounted test will be 20 percent of the original user fee rounded up to the nearest quarter. This discount will apply for tests for all diseases except equine piroplasmosis, bovine piroplasmosis, dourine, and glanders.

(b) *Virology identification tests.* User fees for virology identification tests performed at NVSL (excluding FADDL) or other authorized sites are listed in the following table. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

Test	User fee	Unit
Fluorescent antibody tissue section .....	\$18.25	Test.
Virus isolation for Newcastle disease virus .....	15.25	Test.
Virus isolation (except for Newcastle disease virus) .....	31.50	Test.

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[63 FR 53792, Oct. 7, 1998]

**§ 130.16 User fees for veterinary diagnostic serology tests performed at NVSL (excluding FADDL) or at authorized sites.**

(a) *Bacteriology serology tests.* User fees for bacteriology serology tests per-

formed at NVSL (excluding FADDL) or other authorized sites are listed in the following table. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

Test	User fee	Unit
Brucella milk ELISA .....	\$15.75	Test.
Brucella ring (BRT) .....	10.50	Test.
Brucella ring, Heat inactivated (HIRT) .....	10.50	Test.
Brucella ring, Serial (Serial BRT) .....	15.75	Test.
Buffered acidified plate antigen presumptive .....	4.00	Test.
Card .....	2.00	Test.
Complement fixation <sup>1</sup> .....	9.00	Test.
Enzyme linked immunosorbent assay for dourine, glanders, or piroplasmosis ...	9.00	Test.
Enzyme linked immunosorbent assay, all other .....	4.75	Test.
Indirect fluorescent antibody <sup>1</sup> .....	9.75	Test.
Mercaptoethanol .....	4.00	Test.
Microscopic agglutination—includes up to 5 serovars <sup>2</sup> .....	11.00	Sample.
Mycology/fungus serology .....	10.50	Test.
Particle concentration fluorescent immuno assay (PCFIA) .....	18.25	Test.
Plate .....	4.00	Test.
Rapid automated presumptive .....	4.25	Test.
Rivanol .....	4.00	Test.
Tube agglutination .....	4.00	Test.

<sup>1</sup> A discount will apply to all diagnostic, non-import related complement fixation, hemagglutination inhibition, fluorescent antibody, indirect fluorescent antibody, virus neutralization, and peroxidase linked antibody tests. This discount only applies to the 11th and subsequent tests on the same submission by the same submitter for the same test and antigen. The user fee for each discounted test will be 20 percent of the original user fee rounded up to the nearest quarter. This discount will apply for tests for all diseases except equine piroplasmosis, bovine piroplasmosis, dourine, and glanders.

<sup>2</sup> The user fee for the sixth and subsequent serovar will be \$2.00 each.

(b) *Virology serology tests.* User fees for virology serology tests performed at NVSL (excluding FADDL) or at authorized sites are listed in the following table. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

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Test	User fee	Unit
Agar gel immunodiffusion .....	\$5.00	Test.
Complement fixation <sup>1</sup> .....	9.00	Test.
Enzyme linked immunosorbent assay .....	4.75	Test.
Hemagglutination inhibition <sup>1</sup> .....	7.50	Test.
Indirect fluorescent antibody <sup>1</sup> .....	9.75	Test.
Latex agglutination .....	5.00	Test.
Peroxidase linked antibody <sup>1</sup> .....	9.75	Test.
Plaque reduction neutralization .....	7.75	Test.
Rabies fluorescent antibody neutralization .....	26.50	Test.
Virus neutralization <sup>1</sup> .....	7.75	Test.

<sup>1</sup> A discount will apply to all diagnostic, non-import related complement fixation, hemagglutination inhibition, fluorescent antibody, indirect fluorescent antibody, virus neutralization, and peroxidase linked antibody tests. This discount only applies to the 11th and subsequent tests on the same submission by the same submitter for the same test and antigen. The user fee for each discounted test will be 20 percent of the original user fee rounded up to the nearest quarter. This discount will apply for tests for all diseases except equine piroplasmosis, bovine piroplasmosis, dourine, and glanders.

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[63 FR 53793, Oct. 7, 1998]

## § 130.17 User fees for other veterinary diagnostic laboratory tests performed at NVSL (excluding FADDL) or at authorized sites.

(a) User fees for veterinary diagnostics tests performed at the

Pathobiology Laboratory at NVSL (excluding FADDL) or at authorized sites are listed in the following table. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

Test	User fee	Unit
Aflatoxin quantitation .....	\$20.50	Test.
Aflatoxin screen .....	11.25	Test.
Agar gel immunodiffusion spp. identification .....	6.25	Test.
Antibiotic (bioautography) quantitation .....	25.00	Test.
Antibiotic (bioautography) screen .....	50.00	Test.
Antibiotic inhibition .....	25.25	Test.
Arsenic .....	6.75	Test.
Ergot alkaloid screen .....	25.25	Test.
Ergot alkaloid confirmation .....	33.00	Test.
Feed microscopy .....	25.25	Test.
Fumonisin only .....	20.50	Test.
Gossypol .....	37.75	Test.
Mercury .....	56.00	Test.
Metals screen .....	29.75	Test.
Metals single element confirmation .....	6.75	Test.
Mycotoxin: aflatoxin-liver .....	82.25	Test.
Mycotoxin screen .....	34.00	Test.
Nitrate/nitrite .....	25.00	Test.
Organic compound confirmation .....	34.00	Test.
Organic compound screen .....	114.75	Test.
Parasitology .....	19.25	Test.
Pesticide quantitation .....	52.25	Test.
Pesticide screen .....	38.00	Test.
pH .....	10.00	Test.
Plate cylinder .....	37.75	Test.
Selenium .....	33.25	Test.
Silicate/carbonate disinfectant .....	25.00	Test.
Temperature disks .....	50.25	Test.
Toxicant quantitation, other .....	42.25	Test.
Toxicant screen, other .....	25.00	Test.
Vomitoxin only .....	20.75	Test.
Water activity .....	12.50	Test.
Zearaleone quantitation .....	20.50	Test.
Zearaleone screen .....	11.25	Test.

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(b) [Reserved]

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[63 FR 53793, Oct. 7, 1998]

**§ 130.18 User fees for veterinary diagnostic reagents produced at NVSL or other authorized site (excluding FADDL).**

(a) *Bacteriology reagents.* User fees for bacteriology reagents produced by the

Diagnostic Bacteriology Laboratory at NVSL (excluding FADDL) or other authorized site are listed in the following table. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

Reagent	User fee	Unit
Anaplasma card test antigen .....	\$34.00	2 ml.
Anaplasma card test kit without antigen .....	105.50	Kit.
Anaplasma CF antigen .....	17.00	2 ml.
Anaplasma stabilate .....	67.25	4.5 ml.
Avian origin bacterial antisera, mycoplasma .....	11.50	1 ml.
Avian origin bacterial antisera, all other .....	17.75	1 ml.
Bacterial agglutinating antigens other than brucella and salmonella pullorum ....	30.50	5 ml.
Bacterial conjugates .....	36.00	1 ml.
Bacterial disease CF antigens, all other .....	8.50	1 ml.
Bacterial ELISA antigens .....	9.50	1 ml.
Bacterial or protozoal antisera, all other .....	7.25	1 ml.
Bacterial reagent culture <sup>1</sup> .....	21.25	Culture.
Bacterial reference culture <sup>2</sup> .....	63.25	Culture.
Bacteriophage reference culture .....	63.25	Culture.
Bovine serum factor .....	1.25	2 ml.
Brucella abortus CF antigen .....	34.00	60 ml.
Brucella agglutination antigens, all other .....	34.00	60 ml.
Brucella buffered plate antigen .....	50.00	60 ml.
Brucella canis tube antigen .....	30.50	25 ml.
Brucella card test antigen (packaged) .....	19.50	Package.
Brucella card test kit without antigen .....	70.25	Kit.
Brucella cells .....	5.25	Gram.
Brucella cells, dried .....	2.00	Pellet.
Brucella ring test antigen .....	72.75	60 ml.
Brucella rivanol solution .....	8.75	60 ml.
Dourine CF antigen .....	17.50	1 ml.
Dourine stabilate .....	34.75	4.5 ml.
Equine and bovine origin hemoparasitic antisera .....	21.25	1 ml.
Equine negative control CF antigen .....	171.25	1 ml.
Equine origin glanders antiserum .....	18.25	1 ml.
Flazo-orange .....	6.25	3 ml.
Glanders CF antigen .....	17.50	1 ml.
Hemoparasitic disease CF antigens, all other .....	158.25	1 ml.
Leptospira transport medium .....	3.25	10 ml.
Monoclonal antibody .....	37.50	1 ml.
Mycobacterium spp. old tuberculin .....	3.75	1 ml.
Mycobacterium spp. PPD .....	3.25	1 ml.
Mycoplasma hemagglutination antigens .....	105.50	5 ml.
Negative control sera .....	4.00	1 ml.
Other spp. antiserum, any .....	32.75	1 ml.
Rabbit origin bacterial antiserum .....	14.25	1 ml.
Salmonella pullorum microagglutination antigen .....	6.25	5 ml.
Stabilates, all other .....	258.25	4.5 ml.

<sup>1</sup> A reagent culture is a bacterial culture that has been subcultured one or more times after being tested for purity and identity. It is intended for use as a reagent with a diagnostic test such as the leptospiral microagglutination test.

<sup>2</sup> A reference culture is a bacterial culture that has been thoroughly tested for purity and identity. It should be suitable as a master seed for future cultures.

(b) *Virology reagents.* User fees for virology reagents produced by the Diagnostic Virology Laboratory at NVSL (excluding FADDL) or at authorized sites are listed in the following table.

The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

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Reagent	User fee	Unit
Antigen, except avian influenza and chlamydia psittaci antigens, any .....	\$41.50	2 ml.
Avian antiserum except avian influenza antiserum, any .....	23.00	2 ml.
Avian influenza antigen, any .....	9.25	2 ml.
Avian influenza antiserum, any .....	53.75	6 ml.
Bovine or ovine serum, any .....	88.00	2 ml.
Cell Culture .....	20.00	Flask.
Chlamydia psittaci spp. of origin monoclonal antibody panel .....	47.25	Panel.
Conjugate, any .....	20.25	1 ml.
Diluted positive control serum, any .....	6.75	2 ml.
Equine antiserum, any .....	12.25	2 ml.
Hog Cholera tissue sets .....	81.50	Tissue set.
Monoclonal antibody .....	37.50	1 ml.
Other spp. antiserum, any .....	32.75	1 ml.
Porcine antiserum, any .....	60.50	2 ml.
Positive control tissues, all .....	4.25	2 cm <sup>2</sup> section.
Rabbit origin antiserum .....	14.25	1 ml.
Reference virus, any .....	63.50	0.6 ml.
Viruses (except reference viruses), chlamydia psittaci agent, or chlamydia psittaci antigen, any.	5.50	0.6 ml.

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[63 FR 53794, Oct. 7, 1998]

## **§ 130.19 User fees for other veterinary diagnostic services or materials provided at NVSL (excluding FADDL).**

(a) User fees for other veterinary diagnostic services or materials avail-

able from NVSL (excluding FADDL) are listed in the following table. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

Service	User fee	Unit
Antimicrobial susceptibility test .....	\$30.50	Isolate.
Avian safety test .....	2,701.75	Test.
Check tests, anaplasma complement fixation .....	132.00	Kit <sup>1</sup> .
Check tests, culture .....	88.00	Kit <sup>1</sup> .
Check tests, serology, all other .....	125.75	Kit <sup>1</sup> .
Fetal bovine serum safety test .....	673.50	Verification.
Hourly user fee services: <sup>2</sup> .		
Hour .....	56.00	Hour.
Quarter hour .....	14.00	Quarter Hour.
Minimum .....	16.50	
Manual, Brucellosis complement fixation .....	13.00	1 copy.
Manual, Brucellosis culture .....	52.75	1 copy.
Manual, Tuberculosis culture (English or Spanish) .....	79.25	1 copy.
Manual, Veterinary mycology .....	105.50	1 copy.
Manual, Anaplasmosis, Johne's disease, mycoplasma hyopneumonia, piroplasmosis, dourine, or glanders.	21.25	1 copy.
Manuals or standard operating procedure (SOP), all other .....	13.25	1 copy.
Manuals or SOP, per page .....	2.00	1 page.
Training (school or technical assistance) .....	120.00	Per person per day.

<sup>1</sup> Any reagents required for the check test will be charged separately.

<sup>2</sup> For veterinary diagnostic services for which there is no flat rate user fee the hourly rate user fee will be calculated for the actual time required to provide the service.

(b) [Reserved]

(Approved by the Office of Management and Budget under control number 0579-0094)

[63 FR 53795, Oct. 7, 1998]

## **§ 130.20 User fees for endorsing export health certificates.**

(a) User fees for the endorsement of export health certificates that do not require the verification of tests or vaccinations are listed in the following

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table. The user fees apply to each export health certificate<sup>5</sup> endorsed for the following types of animals, birds, or animal products, regardless of the number of animals, birds, or animal products covered by the certificate. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

Certificate categories	User fee
Slaughter animals (except poultry) moving to Canada or Mexico .....	\$24.50
Poultry, including slaughter poultry .....	21.00
Hatching eggs .....	21.00
Animal and nonanimal products .....	21.50
Other endorsements or certifications .....	16.50

(b)(1) User fees for the endorsement of export health certificates that require the verification of tests or vaccinations are listed in the following table. The user fees apply to each export health certificate<sup>6</sup> endorsed for animals and birds depending on the number of animals or birds covered by the certificate and the number of tests required. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with the provisions in §§ 130.50 and 130.51.

Number of tests/vaccinations	Animals or birds on certificate	User fee
1–2 .....	Nonslaughter horses to Canada ..	\$26.25
	Other animals or birds:	
	First animal .....	52.50
	Each additional animal .....	3.00
3–6 .....	First animal .....	64.75
	Each additional animal .....	5.00
7 or more .....	First animal .....	75.75
	Each additional animal .....	6.00

(2) If an export certificate covers more than one animal, but the number of tests required for different animals are not the same, the user fee for the certificate is the fee which would be due if all the animals on the certificate required the same number of tests as

<sup>5</sup>An export health certificate may need to be endorsed for an animal being exported from the United States if the country to which the animal is being shipped requires one. APHIS endorses export health certificates as a service.

the animal which requires the greatest number of tests.

(c) The user fees prescribed in this section will not apply to an export health certificate if the export health certificate is prepared for endorsement completely at the site of the inspection by an APHIS veterinarian in the course of performing inspection or supervision services for the animals listed on the certificate, and an APHIS user fee is payable under § 130.21 of this part for the inspection or supervision services performed by the veterinarian.

(d) If a service must be conducted on a Sunday or holiday or at any other time outside the normal tour of duty of the employee, then reimbursable overtime, as provided for in part 97 of this chapter, must be paid for each service, in addition to the user fee listed in this section.

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[57 FR 771, Jan. 9, 1992, as amended at 58 FR 38958, July 21, 1993. Redesignated at 58 FR 67655, Dec. 22, 1993, and amended at 58 FR 67656, Dec. 22, 1993; 61 FR 20434, 20436, May 7, 1996; 62 FR 61007, Nov. 14, 1997; 63 FR 53796, Oct. 7, 1998; 64 FR 67700, Dec. 3, 1999]

### § 130.21 User fees for inspection and supervision services provided within the United States for export animals, birds, and animal products.

(a) User fees for inspection and supervision services listed in (a)(1) through (a)(7) of this paragraph will be calculated at \$56.00 per hour, or \$14.00 per quarter-hour, with a minimum fee of \$16.50, for each employee required to perform the service. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

(1) Inspecting an export isolation facility and the animals in it;

(2) Supervising animal or bird rest periods prior to export;

(3) Supervising loading or unloading of animals or birds for export shipment;

(4) Inspecting means of conveyance used to export animals or birds;

(5) Conducting inspections under authority of part 156 of this chapter;

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(6) Approving or inspecting an artificial insemination center or a semen collection center or the animals in it; and

(7) Other export or embarkation services not specified elsewhere in this part.

(b) [Reserved]

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[57 FR 771, Jan. 9, 1992, as amended at 58 FR 38958, July 21, 1993. Redesignated at 58 FR 67655, Dec. 22, 1993, and amended at 58 FR 67656, Dec. 22, 1993; 61 FR 20436, May 7, 1996; 63 FR 53796, Oct. 7, 1998; 63 FR 71729, Dec. 30, 1998]

### § 130.22 User fees for inspection services outside the United States.

(a) If inspection services (including inspection, testing, and supervision services) are performed outside the United States, in accordance with this title, and the regulations do not contain a provision for payment of the cost of the service, the person requesting the service must pay a user fee under this section.

(b) Any person who wants APHIS to provide inspection services outside the United States must contact the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road, Unit 38, Riverdale, Maryland 20737-1231, to make an agreement.

(c) All agreements must include the following:

(1) Name, mailing address, and telephone number of either the person requesting the inspection services, or his or her agent;

(2) Explanation of inspection services to be provided, including the regulations in title 9, Code of Federal Regulations which provide for the services;

(3) Date(s) and time(s) the inspection services are to be provided;

(4) Location (including street address) where inspection services are to be provided;

(5) An estimate of the actual cost, as calculated by APHIS, to provide the described inspection services for 6 months;

(6) A statement that APHIS agrees to provide the inspection services;

(7) A statement that the person requesting the inspection services, or, if appropriate, his or her agent, agrees to pay, at the time the agreement is entered into, a user fee equal to the estimated cost of providing the described inspection services for 6 months; and

(8) A statement that the person requesting the inspection services, or, if appropriate, his or her agent, agrees to maintain a user fee payment account equal to the cost of providing the described inspection services for 6 months, as calculated monthly by APHIS.

(d) APHIS will enter into an agreement only if qualified personnel can be made available to provide the inspection services.

(e) An agreement can be terminated by either party on 30 days written notice.

(f) If, at the time an agreement is terminated, any unobligated funds remain in the user fee payment account, APHIS will refund the funds to the person who requested the inspection services, or his or her agent.

[57 FR 771, Jan. 9, 1992. Redesignated at 58 FR 67655, Dec. 22, 1993; 59 FR 67617, Dec. 30, 1994]

### §§ 130.23—130.48 [Reserved]

### § 130.49 Exemptions.

(a) *Veterinary diagnostics.* User fees for veterinary diagnostic services, including, but not limited to, tests and diagnostic reagents specified in §§ 130.14 through 130.19, are not charged under the following conditions:

(1) When veterinary diagnostic services are provided in connection with Federal programs to control or eradicate diseases or pests of livestock or poultry in the United States (program diseases);

(2) When veterinary diagnostic services are provided in support of zoonotic disease surveillance when the Administrator has determined that there is a significant threat to human health; and

(3) When veterinary diagnostic reagents are distributed within the United States for testing for foreign animal diseases.

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(b) [Reserved]

[62 FR 61007, Nov. 14, 1997, as amended at 63 FR 53796, Oct. 7, 1998]

**§ 130.50 Payment of user fees.**

(a) *Who must pay APHIS user fees?* Any person for whom a service is provided related to the importation, entry, or exportation of an animal, article, or means of conveyance or related to veterinary diagnostics, and any person requesting such service, shall be jointly and severally liable for payment of fees assessed.

(b) *Associated charges—(1) Reservation fee.* Any reservation fee paid by an importer under part 93 of this chapter will be applied to the APHIS user fees specified in §§ 130.2 and 130.3 for animals or birds quarantined in an animal import center.

(2) *Special handling expenses.* The user fees in this part do not include any

costs that may be incurred due to special mail handling, including, but not limited to, express, overnight, or foreign mailing. If any service requires special mail handling, the user must pay all costs incurred, in addition to the user fee for the service.

(3) *When do I pay an additional amount for employee(s) working overtime?* You must pay an additional amount if you need an APHIS employee to work on a Sunday, on a holiday, or at any time outside the normal tour of duty of that employee. You pay the amount specified in paragraphs (b)(3) (i) or (ii), as relevant, for each employee needed to get the work done.

(i) *What additional amount do I pay if I receive a flat rate user fee service?* In addition to the flat rate user fee(s), you pay the overtime rate listed in the following table for each employee needed to get the work done:

OVERTIME <sup>1 2</sup> FOR FLAT RATE USER FEES

	Outside the employee's normal tour of duty	
	Monday through Saturday and holidays	Sundays
Amount per hour if we must inspect, test, certify, or quarantine your animals, animal products, or other commodities (see § 97.1(a) or 7 CFR 354.3 for details) .....	\$37.84	\$47.96
Amount per hour if we must inspect your commercial aircraft (see § 97.1(a)(3) for details) ...	30.64	39.36

<sup>1</sup> Minimum charge of 2 hours, unless performed on the employee's regular work day and performed in direct continuation of the regular work day or begun within an hour of the regular work day.

<sup>2</sup> When the 2 hour minimum applies, you may need to pay commuted travel time. (See § 97.1(b) for specific information about commuted travel time.)

(ii) *What additional amount do I pay if I receive an hourly rate user fee service?* Instead of paying the hourly rate user

fee, you pay the rate listed in the following table for each employee needed to get the work done:

PREMIUM RATE USER FEE

	Outside the employee's normal tour of duty	
	Monday through Saturday and holidays	Sundays
Per hour .....	\$65.00	\$74.00
Per quarter-hour .....	16.25	18.50
Minimum .....	16.50	16.50

(c) *When are APHIS user fees due?—(1) Animal and bird quarantine and related tests.* User fees specified in §§ 130.2, 130.3, 130.5, 130.10, and tests specified in §§ 130.14 through 130.19 for animals and birds in an Animal Import Center or

privately operated permanent or temporary import quarantine facilities, including user fees for tests conducted on these animals or birds, must be paid prior to the release of those animals or birds from quarantine.



(2) *Supervision and inspection services for export animals, animal products.* User fees for supervision and inspection services specified in § 130.21 must be paid when billed, or, if covered by a compliance agreement signed in accordance with this chapter, must be paid when specified in the agreement.

(3) *Export health certificates.* User fees for export health certificates specified in § 130.20 must be paid prior to receipt of endorsed certificates unless APHIS determines that the user has established an acceptable credit history, at which time payment may, at the option of the user, be made when billed.

(4) *Veterinary diagnostics.* User fees specified in §§ 130.14 through 130.19 for veterinary diagnostic services, such as tests on samples submitted to NVSL or FADDL, diagnostic reagents, slide sets, tissue sets, and other veterinary diagnostic services, must be paid when the veterinary diagnostic service is requested, unless APHIS determines that the user has established an acceptable credit history, at which time payment may, at the option of the user, be made when billed.

(5) *Other user fee services.* User fees specified in §§ 130.6, 130.7, 130.8, and 130.9 must be paid when service is provided (for example when live animals are inspected when presented for importation at a port of entry), unless APHIS determines that the user has established an acceptable credit history, at which time payment may, at the option of the user, be made when billed.

(d) *What payment methods are acceptable?* Payment must be for the exact amount due and may be paid by:

(1) Cash, will be accepted only during normal business hours if payment is made at an APHIS office<sup>7</sup> or an Animal Import Center;

(2) All types of checks, including traveler's checks, drawn on a U.S. bank in U.S. dollars and made payable to the U.S. Department of Agriculture or USDA;

(3) Money orders, drawn on a U.S. bank in U.S. dollars and made payable to the U.S. Department of Agriculture or USDA; or

(4) Credit cards (VISA<sup>TM</sup> and MasterCard<sup>TM</sup>) if payment is made at an Animal Import Center or an APHIS office that is equipped to process credit cards.<sup>7</sup>

[63 FR 53796, Oct. 7, 1998, as amended at 64 FR 67700, Dec. 3, 1999]

#### § 130.51 Penalties for nonpayment or late payment.

(a) *Unpaid debt.* If any person for whom the service is provided fails to pay when due any debt to APHIS, including any user fee due under 7 CFR chapter III or chapter I of this title, then:

(1) *Subsequent user fee payments.* Payment must be made for subsequent user fees before the service is provided if:

(i) For unbilled fees, the user fee is unpaid 60 days after the date the pertinent regulatory provision indicates payment is due;

(ii) For billed fees, the user fee is unpaid 60 days after date of bill;

(iii) The person for whom the service is provided or the person requesting the service has not paid the late payment penalty or interest on any delinquent APHIS user fee; or

(iv) Payment has been dishonored.

(2) *Resolution of difference between estimate and actual.* APHIS will estimate the user fee to be paid; any difference between the estimate and the actual amount owed to APHIS will be resolved as soon as reasonably possible following the delivery of the service, with APHIS returning any excess to the payor or billing the payor for the additional amount due.

(3) *Prepayment form.* The prepayment must be in guaranteed form, such as money order, certified check, or cash. Prepayment in guaranteed form will continue until the debtor pays the delinquent debt.

(4) *Denied service.* Service will be denied until the debt is paid if:

(i) For unbilled fees, the user fee is unpaid 90 days after date the pertinent regulatory provision indicates payment is due;

(ii) For billed fees, the user fee is unpaid 90 days after date of bill;

<sup>7</sup>A list of APHIS offices and Animal Import Centers that accept cash or credit cards may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import and Export, 4700 River Road Unit 38, Riverdale, MD 20738-1231.

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(iii) The person for whom the service is provided or the person requesting the service has not paid the late payment penalty or interest on any delinquent APHIS user fee; or

(iv) Payment has been dishonored.

(b) *Unpaid debt during service.* If APHIS is in the process of providing a service for which an APHIS user fee is due, and the user has not paid the fee within the time required, or if the payment offered by the user is inadequate or unacceptable, then APHIS will take the following action:

(1) *Animals or birds in quarantine.* If an APHIS user fee specified in §130.2 or §130.3 is due for animals or birds in quarantine at an animal import center or at a privately operated import quarantine facility, APHIS will not release them.

(2) *Export health certificate.* If an APHIS user fee specified in §130.20 is due for an export health certificate, APHIS will not release the certificate.

(3) *Veterinary diagnostics.* If an APHIS user fee specified in §§130.14 through 130.19 is due for a veterinary diagnostic test or service, APHIS will not release the test result, any endorsed certificate, or any other veterinary diagnostic service.

(c) *Late payment penalty.* If for unbilled user fees, the user fees are unpaid 30 days after the date the pertinent regulatory provisions indicates payment is due, or if billed, are unpaid 30 days after the date of the bill, APHIS will impose a late payment penalty and interest charges in accordance with 31 U.S.C. 3717.

(d) *Dishonored payment penalties.* User fees paid with dishonored forms of payment, such as a check returned for insufficient funds, will be subject to interest and penalty charges in accordance with 30 U.S.C. 3717. Administrative charges will be assessed at \$20.00 per dishonored payment to be paid in addition to the original amount owed. Payment must be in guaranteed form, such as cash, money order, or certified check.

(e) *Debt collection management.* In accordance with the Debt Collection Improvement Act of 1996, the following provisions apply:

(1) *Taxpayer identification number.* APHIS will collect a taxpayer identification number from all persons, other than Federal agencies, who are liable for a user fee.

(2) *Administrative offset.* APHIS will notify the Department of Treasury of debts that are over 180 days delinquent for the purposes of administrative offset. Under administrative offset, the Department of Treasury will withhold funds payable by the United States to a person (i.e., Federal income tax refunds) to satisfy the debt to APHIS.

(3) *Cross-servicing.* APHIS will transfer debts that are over 180 days delinquent to the Department of Treasury for cross-servicing. Under cross-servicing, the Department of Treasury will collect debts on behalf of APHIS. Exceptions will be made for debts that meet certain requirements, for example, debts that are already at a collection agency or in payment plan.

(4) *Report delinquent debt.* APHIS will report all unpaid debts to credit reporting bureaus.

(f) *Animals or birds abandoned after quarantine at an animal import center.* Animals or birds left in quarantine at an animal import center for more than 30 days after the end of the required quarantine period will be deemed to be abandoned.

(1) After APHIS releases the abandoned animals or birds from quarantine, APHIS may seize them and sell or otherwise dispose of them, as determined by the Administrator, provided that their sale is not contrary to any Federal law or regulation, and may recover all expenses of handling the animals or birds from the proceeds of their sale or disposition.

(2) If animals or birds abandoned in quarantine at an animal import center cannot be released from quarantine, APHIS may seize and dispose of them, as determined by the Administrator, and may recover all expenses of handling the animals or birds from the proceeds of their disposition and from persons liable for user fees under §130.50(a).

[63 FR 53797, Oct. 7, 1998]